

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SANTOS CALEL-VICENTE,

Defendant.

CASE NO. 8:14CR40

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”) in this case and the Defendant’s objections (Filing Nos. 40 and 43). The Defendant also filed a motion for departure or variance and supporting brief (Filing Nos. 41 and 42). The government adopted the PSR (Filing No. 39). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. Defendant's Objection to Pre-Sentence Investigation Report (Filing No. 40) will be sustained, and paragraph five of the PSR will be amended to remove any implication that the Defendant has violated the conditions of her pretrial release by residing with her husband and children;
2. Defendant's Objection to Pre-Sentence Investigation Report (Filing No. 43) will be addressed at the sentencing hearing;
3. The Court intends to adopt the PSR in all other respects;
4. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a

motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

5. Absent submission of the information required by paragraph 4 of this Order, my tentative findings may become final;

6. The Defendant's Motion for Downward Departure, Variance, and for a Non-Guideline Sentence (Filing No. 41) will be heard at sentencing; and

7. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 22nd day of August, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge